

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

FILED

2011 AUG -9 PM 12:17


MICHAEL C. SMART,  
Reg. No. 67814-280,  
Movant,

v.

UNITED STATES OF AMERICA,  
Respondent.

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CLERK, US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY    
EP-11-CV-0317-DB DEPUTY  
EP-10-CR-2902-DB

**FINAL JUDGMENT**

In accordance with the Memorandum Opinion and Order of this Court signed on this date, the Court enters its final judgment, pursuant to Rule 58 of the Federal Rules of Civil Procedure, as follows:

**IT IS ORDERED** that Movant Michael C. Smart's *pro se* motion under 28 U.S.C. § 2255 to vacate, set aside, or correct a sentence [ECF No. 116] and civil cause EP-11-CV-0317-DB are **DISMISSED WITHOUT PREJUDICE**.

**IT IS ALSO ORDERED** that Movant Michael C. Smart is **DENIED** a **CERTIFICATE OF APPEALABILITY**.

**IT IS FURTHER ORDERED** that the Clerk shall **CLOSE** this case.

SIGNED this 9<sup>th</sup> day of August 2011.

  
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DAVID BRIONES  
SENIOR UNITED STATES DISTRICT JUDGE